

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	CHAPTER 7 PROCEEDING
	)	
ENRIQUE MONTANO,	)	CASE NO. 20 B 14690
	)	
DEBTOR.	)	HON. JANET S. BAER
	)	(KANE)

**NOTICE OF MOTION**

TO: See attached list

PLEASE TAKE NOTICE that on **Friday, April 2, 2021, at 11:00 a.m.**, I will appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, and present the **Motion for Rule 2004 Examinations of (i) JPMorgan Chase Bank, N.A.; (ii) US Bank, N.A.; (iii) Bank of America, N.A.; and (iv) Old Second National Bank**, a copy of which is attached and served on you.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 160 731 2971 and the password is 587656. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Jeffrey S. Snell  
Jeffrey S. Snell, Trial Attorney  
United States Department of Justice  
Office of the United States Trustee  
219 South Dearborn, Room 873  
Chicago, Illinois 60604  
Telephone: (312) 886-0890

**CERTIFICATE OF SERVICE**

I, Jeffrey S. Snell, an attorney, state that on March 17, 2021, pursuant to Local Rule 9013-1(D) the **Notice of Motion and Motion for Rule 2004 Examinations of (i) JPMorgan Chase Bank, N.A.; (ii) US Bank, N.A.; (iii) Bank of America, N.A.; and (iv) Old Second National Bank**, were filed and served on all parties, either via the Court's Electronic Notice for Registrants or via First Class Mail, as indicated on the service list below.

*/s/ Jeffrey S. Snell*

**SERVICE LIST**

**Registrants Served Through the Court's Electronic Notice For Registrants:**

- **Manuel A. Cardenas** manuelantonio\_cardenas@yahoo.com, manuel@manuelcardenas.law
- **Gina B Krol** gkrol@cohenandkrol.com, gkrol@ecf.axosfs.com;gkrol@cohenandkrol.com;acartwright@cohenandkrol.com;jneiman@cohenandkrol.com
- **Patrick S Layng** USTPRegion11.ES.ECF@usdoj.gov
- **Josephine J Miceli** Jo@johnsonblumberg.com
- **Jeffrey Snell** jeffrey.snell@usdoj.gov

**Parties Served via First Class Mail:**

Enrique Montano  
640A Rance Rd  
Oswego, IL 60543

Enrique Montano  
690 North Ohio  
Aurora, IL 60505

JP Morgan Chase Bank, N.A.  
Attn: Jamie Dimon, Chairman and CEO  
270 Park Ave.  
New York, NY 10017

US Bank, N.A.  
Attn: Andrew Cecere, President and CEO  
800 Nicollet Mall  
Minneapolis, MN 55402

Bank of America, N.A.  
Attn: Brian Moynihan, President and CEO  
100 North Tryon Street  
Charlotte, NC 28255

Old Second National Bank  
Attn: James L. Eccher, President and CEO  
37 South River Street  
Aurora, Illinois 60507

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	CHAPTER 7 PROCEEDING
	)	
ENRIQUE MONTANO,	)	CASE NO. 20 B 14690
	)	
DEBTOR.	)	HON. JANET S. BAER
	)	(KANE)

**MOTION FOR RULE 2004 EXAMINATIONS OF (I) JPMORGAN CHASE BANK, N.A.;  
(II) US BANK, N.A.; (III) BANK OF AMERICA, N.A.; AND  
(IV) OLD SECOND NATIONAL BANK**

Now comes PATRICK S. LAYNG, the United States Trustee for the Northern District of Illinois (the “U.S. Trustee”), by his attorney, Jeffrey S. Snell, and moves the Court to enter an order authorizing discovery from (i) JPMorgan Chase Bank, N.A.; (ii) US Bank, N.A.; (iii) Bank of America, N.A.; and (iv) Old Second National Bank under Fed. R. Bankr. P. 2004. As his reasons for this request, the U.S. Trustee states to the Court as follows:

1. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine under IOP 15(a) and LR40.3.1(a) of the United States District Court for the Northern District of Illinois and Local Rule 9013-9.

2. Movant is the United States Trustee for the Northern District of Illinois and brings this motion under Fed. R. Bankr. P. 2004.

3. On July 28, 2020, the Debtor filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code. On or about that same day, Gina Krol was appointed Chapter 7 Trustee in the Debtor’s case.

4. The Debtor’s Schedule E/F reflects \$286,124.28 in unsecured debt and includes individuals who gave the Debtor deposits for roofing services that have not been completed.

5. The last date to object to the Debtor's discharge or to file a motion to dismiss his case under § 707 is currently set for April 21, 2021.

6. On September 18, 2020, the Court entered an order permitting the U.S. Trustee to examine the Debtor and issue a subpoena pursuant to Rule 2004(c). (*See* Dkt. 13).

7. On September 29, 2020, the U.S. Trustee served a subpoena to the Debtor, with a copy to Debtor's counsel, Manuel A. Cardenas. The subpoena requested the production of documents by October 28, 2020.

8. On October 27, 2020, counsel for the U.S. Trustee agreed to extend the date to provide documents until November 10, 2020.

9. November 10, 2020, counsel for the Debtor produced a number of documents to the U.S. Trustee and stated that he was still attempting to produce additional financial and other documents.

10. The U.S. Trustee understands from Debtor's counsel that the Debtor has been unable to obtain bank records from certain banks that he previously maintained personal and/or business accounts at, including (i) JPMorgan Chase Bank, N.A.; (ii) US Bank, N.A.; (iii) Bank of America, N.A.; and (iv) Old Second National Bank. Debtor and the U.S. Trustee have agreed that the U.S. Trustee would seek Rule 2004 authority to obtain the Debtor's records directly from the institutions.

11. The U.S. Trustee is attempting to verify the information reported on Debtor's schedules, statement of financial affairs, and conveyed by his testimony at the meeting of creditors. To do so, the U.S. Trustee needs to elicit discovery from (i) JPMorgan Chase Bank, N.A.; (ii) US Bank, N.A.; (iii) Bank of America, N.A.; and (iv) Old Second National Bank under Rule 2004, including the production of documents.

WHEREFORE, the U.S. Trustee respectfully requests the Court enter an order authorizing him to conduct discovery of (i) JPMorgan Chase Bank, N.A.; (ii) US Bank, N.A.; (iii) Bank of America, N.A.; and (iv) Old Second National Bank under Rule 2004 and for such other relief as is necessary and just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG  
UNITED STATES TRUSTEE

DATED: March 17, 2021

/s/ Jeffrey S. Snell  
Jeffrey S. Snell, Trial Attorney  
United States Department of Justice  
Office of the United States Trustee  
219 South Dearborn, Room 873  
Chicago, Illinois 60604  
Telephone: (312) 886-0890  
Email: Jeffrey.Snell@usdoj.gov